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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

10 DOUGLAS KRUSCHEN, an
11 individual,

12 Plaintiff,

13 v.

14 FIRST ADVANTAGE
CORPORATION, a Delaware
15 corporation *et al.*,

16 Defendants.

Case No: 2:16-CV-02948-DMG-AJW

District Judge: Hon. Dolly M. Gee

Magistrate Judge: Hon. Andrew J.
Wistrich

**DEFENDANT SOURCE SUPPORT
SERVICES, INC.'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF DOUGLAS KRUSCHEN'S
COMPLAINT**

Complaint Filed: May 31, 2016

ANSWER

Defendant Source Support Services, Inc. ("Source Support") hereby responds to the Complaint ("Complaint") filed by Plaintiff Douglas Kruschen ("Plaintiff"), and avers as follows:

INTRODUCTION

1. Paragraph 1 is a statement of law to which no response is required.
2. Paragraph 2 is a statement of law to which no response is required.
3. Paragraph 3 is a statement of law to which no response is required.

JURISDICTION AND VENUE

4. Paragraph 4 is a statement of law to which no response is required. Source Support does not contest jurisdiction.

5. Paragraph 5 is a statement of law to which no response is required. Source Support does not contest jurisdiction.

6. Admitted.

7. Paragraph 7 is a statement of law to which no response is required. To the extent that a response is required, Source Support states that it does not contest venue in this action.

8. Paragraph 8 is a statement of law to which no response is required.

PARTIES

9. Source Support is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, on that basis, denies them.

10. Paragraph 10 is a statement of law to which no response is required. Source Support is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, on that basis, denies them.

COUNT I

VIOLATIONS OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C. § 1681

23. Paragraph 23 is a statement of law to which no response is required.

24. Paragraph 24 is a statement of law to which no response is required.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied. Source Support denies any liability to Plaintiff.

COUNT II

CONSUMER CREDIT REPORTING AGENCIES ACT, CAL. CIV. CODE § 1785

32. Source Support hereby restates and reasserts every prior response and affirmative defense as if fully set forth herein.

33. Paragraph 33 is a statement of law to which no response is required.

34. Paragraph 34 is a statement of law to which no response is required.

35. Paragraph 35 is a statement of law to which no response is required.

36. Denied.

37. Denied.

38. Denied.

39. Denied. Source Support denies any liability to Plaintiff.

COUNT III

INVESTIGATIVE CONSUMER REPORTING AGENCIES ACT, CAL. CIV. CODE § 1786

40. Source Support hereby restates and reasserts every prior response and affirmative defense as if fully set forth herein.

1 41. Paragraph 41 is a statement of law to which no response is required.

2 42. Paragraph 42 is a statement of law to which no response is required.

3 43. Paragraph 43 is a statement of law to which no response is required.

4 44. Denied.

5 45. Denied. Source Support denies any liability to Plaintiff.

6 **RESPONSE TO PLAINTIFF'S PRAYER**

7 46. Source Support denies that Plaintiff is entitled to any relief whatsoever.

8 Thus, having answered the Complaint, Source Support prays that this Court will:

9 (a) Dismiss the Complaint with prejudice;

10 (b) Deny Plaintiff's prayer for relief;

11 (c) Charge all costs against Plaintiff; and

12 (d) Grant such other and further relief as this Court deems proper and just.

13 **AFFIRMATIVE DEFENSES**

14 **FIRST AFFIRMATIVE DEFENSE**

15 Some or all of Plaintiff's claims fail to state a claim upon which relief may be
16 granted by this Court.

17 **SECOND AFFIRMATIVE DEFENSE**

18 Plaintiff has not suffered any loss for which Source Support may be held liable.

19 **THIRD AFFIRMATIVE DEFENSE**

20 Plaintiff's claims are barred, in whole or in part, because any damages or
21 injuries to the Plaintiff is the result of conduct or acts by other entities, entirely
22 separate from Source Support

23 **FOURTH AFFIRMATIVE DEFENSE**

24 Plaintiff's claims are barred, in whole or in part, because Plaintiff consented to
25 Source Support's alleged actions or inactions.

1 **FIFTH AFFIRMATIVE DEFENSE**

2 Source Support has at all times been in compliance with the Fair Credit
3 Reporting Act, the Consumer Credit Reporting Agencies Act, and the Investigative
4 Credit Reporting Agencies Act.

5 **SIXTH AFFIRMATIVE DEFENSE**

6 Source Support reserves the right to assert any affirmative defense(s) and
7 matter(s) in avoidance as may be disclosed during the course of additional
8 investigation and discovery.

9 **SEVENTH AFFIRMATIVE DEFENSE**

10 Source Support denies every allegation of the Complaint not specifically
11 admitted in this Answer.

12 **DEMAND FOR TRIAL BY JURY**

13 Source Support hereby demands a jury trial in this matter on all matters
14 triable to a jury.

15 Dated: July 19, 2016

Respectfully submitted,
Weilbacher & Weilbacher APC

18 /s/ Brian R. Weilbacher

19 _____
20 Brian R. Weilbacher, Esq.
21 Lisa D. Walker, Esq.
22 Attorneys for Defendant Source
23 Support Services, Inc.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action; my business address is: 5850 Thille Street, Suite 200, Ventura, California 93003.

On July 19, 2016, I served the foregoing document described as "DEFENDANT SOURCE SUPPORT SERVICES, INC.'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF DOUGLAS KRUSCHEN'S COMPLAINT" on the interested parties in this action by placing a true copy thereof as follows:

☒ **BY MAIL:** I deposited a true copy thereof enclosed in a sealed envelope in the mail at Ventura, California. The envelope was mailed with postage thereon fully prepaid addressed as follows.

☒ **BY ELECTRONIC SERVICE:**

☒ By transmitting the document(s) listed above, electronically, via the email addresses set forth below.

☒ By transmitting the document(s) listed above, electronically, via the Court's ECF/CM System.

Douglas Kruschen
P O Box 465
Agoura Hills, CA 91376-0465
douglask@mac.com
Via US Mail and Email

Timothy L. Hix
SEYFARTH SHAW LLP.
333 S. Hope Street, Suite 3900
Los Angeles, CA 930071
thix@seyfarth.com
Via Court's ECF Only

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 19, 2016, at Ventura, California.



Lisa Walker